IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

MFA.No. 1150 of 1995

OPMV.1580/1992 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ATTINGAL
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APPELLANT:

UNITED INDIA INSURANCE CO. LTD., BRANCH OFFICE, MALANKARA BUILDING, V.J.T.HALL ROAD, PALAYAM, TRIVANDRUM REP. BY THE MANAGER, THIRD PARTY CLAIM CELL, M.G.ROAD, ERNAKULAM.

BY ADV. SRI.SIBY MATHEW

RESPONDENTS:

1. PRASANNA, W/O RAVEENDRAN, RESIDING AT PLAKOTTUKONAM PUTHEN VEEDU, MANAMPOOR VILLAGE.

2. R.UEMSH (MINOR 15 YEARS), S/O RAVEENDRAN, DO. DO.

3. R.ULLAS (MINOR 12 YEARS), DO. DO. DO.

4. BHARGAVI, NJARAVILA VEEDU, ALAMOODE P.O., MANAMPOOR VILLAGE.

5. THE DISTRICT COLLECTOR & EX-OFFICIO SECRETARY, DISTRICT COUNCIL, KOTTAYAM.

6. N.CHANDRASEKHARAN NAIR, DEPUTY SECRETARY TO GOVT., LOCAL ADMINISTRATION, VIGILANCE CELL, SECRETARIAT, THIRUVANANTHAPURAM.

7. RAMESHKUMAR, S/O V.THANKAPPAN NAIR,
SAKUNTHALA NIVAS, PALLICHAL P.O.,
PUNNAMOODU, THIRUVANANTHAPURAM
(PETITIONERS 2 & 3 ARE MINORS, 1ST PETITIONER
IS THE GUARDIAN OF MINOR PETITIONERS 2 & 3).

BY ADV. SMT.CELINE WILFRED,AJITH KUMAR.G.
SRI.SUNIL JOSE
SRI.K.RAVIKUMAR
GOVERNMENT PLEADER SRI.NOBLE MATHEW
SRI.C.P.RAVIKUMAR

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 1150 of 1995

JUDGMENT

Koshy, J.

A thirty seven year old Coin Collector in a Temple died in a motor accident, leaving his young wife and two minor children apart from the mother. The dependents claimed a compensation of Rs.4,50,000/-. The Tribunal awarded Rs.2,63,400/- with interest. After finding that the driver of vehicle was responsible for the accident, the Tribunal directed the appellant Insurance Company, being the insurer, to deposit the amount.

2. Two contentions were raised by the petitioner. The first contention was that at the time of the accident, the vehicle was transferred. But, the Supreme Court held that notwithstanding the transfer of the vehicle, if there is valid insurance policy, the Insurance Company continues to be liable [see **Rikhi Ram v. Smt.Sukhrania** (AIR

2003 SC 1446) and **G.Govindan v. New India Assusrance Co.Ltd.** (AIR 1999 SC 1398)]. It is an admitted case that at the time of the accident, the vehicle was insured with the appellant United India Insurance Company. The second contention was regarding the quantum of compensation. It is not stated that permission under Section 170 of the Insurance Act was obtained to contest on all points. Assuming that there is permission, then, considering the total compensation, we are not of the view that no interference is required. It is true that a high multiplier of 22 was taken by the Tribunal. The dependents produced Exhibit A9 certificate to show that the deceased was getting Rs.1,500/- per month, being a Coin Collector, employed in a registered Devaswom, the amount mentioned as monthly wages is not on the higher side. The Tribunal has taken it as only Rs.850/-. The future prospects of the deceased were not also considered. He left behind his young wife, two

minor children and an aged mother. Even though the multiplier is on the higher side, the multiplicand is low. Total dependency loss assessed was only Rs.2,24,400/-.

Therefore, we dismiss this appeal.

(J.B.Koshy, Judge)

25th May, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.1150 of 1995

JUDGMENT

25th May, 2007